

Report to the Los Angeles County District Attorney  
concerning a Brown Act violation by Joshua Albrektson  
and the Board of Directors of the Downtown Los  
Angeles Neighborhood Council

November 19, 2017

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<sup>1</sup>Note that blue text indicates clickable links internal to this document whereas green text indicates clickable links to resources on the Internet.

## **1 Synopsis**

1. On November 15, 2017, Joshua Albrektson, a member of the Board of Directors of the Downtown Los Angeles Neighborhood Council, posted a comment on Facebook stating that he had informed “everybody” on the Board that my claim to being a Downtown Los Angeles “stakeholder” was invalid.
2. This discussion took place outside of a public meeting. Furthermore, this issue is within the subject matter jurisdiction of the Board, and therefore Albrektson and the Board violated the Brown Act by considering the matter.

## **2 Background**

3. Neighborhood councils in the City of Los Angeles are subdivisions of the municipal government authorized by [Article IX](#) of the City Charter. As such they are subject to the Brown Act.
4. The Downtown Los Angeles Neighborhood Council (“DLANC”) is a neighborhood council in Downtown Los Angeles.
5. Joshua Albrektson and Dan Curnow are members of the DLANC Board of Directors.

## **3 Facts**

### **3.1 A grievance**

6. On November 2, 2017 I filed a complaint with the Public Integrity Unit of the Los Angeles County District Attorney’s Office alleging that DLANC Board member Dan Curnow had violated the Brown Act at [§54952.2\(b\)\(1\)](#).
7. On November 5, 2017 I filed a grievance with DLANC against Curnow based on the same set of facts alleging that he had violated Article XIV of the DLANC Bylaws, entitled “Compliance,” which requires Board members to comply with, in pertinent part:

...these Bylaws and with any additional Standing Rules or Procedures as may be adopted by the Board as well as all local, county, state and federal laws, including, without limitation ...the Brown Act ([California Government Code Section 54950.5 et seq.](#)) ...

8. DLANC’s Bylaws require grievances to “be submitted in writing to the Board.” Consequently, on November 5, I emailed a PDF of this grievance to all members of the DLANC Board, included Albrektson.
9. DLANC’s Bylaws require grievants to be “stakeholders,” a status which may be obtained by affirming one’s abiding interest in the Downtown Los Angeles community. Consequently, along with the grievance, I submitted such an affirmation.

### **3.2 A series of communications**

10. On November 15, 2017 at 11:04 p.m. DLANC Director Joshua Albrektson posted the following message on the “DTLA Town Square” Facebook page:

This is his latest article. He sent a grievance to DLANC that was literally about 40 pages about Dan Curnow being on a e-mail chain of people opposing the Skid Row NC. In order to file a grievance, you have to be a stakeholder of the place. He attached a page stating he is a stakeholder because he investigates the BIDS. I told everybody that he lives in Hollywood and works in Whittier and doesn't own property here. I don't think anybody even read his grievance.

Here is [a direct link to the comment](#) and a screenshot can be seen at [Exhibit 1](#) on page [7](#).

### **3.3 DLANC meetings in November 2017**

11. Neither the DLANC Board of Directors nor any of its committees met between November 5, 2017 and 11:04 p.m. on November 15, 2017. There were three authorized meetings scheduled in that time range, but all three were cancelled:
  - (a) November 8, 2017 at 6:30 p.m. – Executive committee
  - (b) November 14, 2017 at 6:30 p.m. – Board of Directors
  - (c) November 15, 2017 at 7:00 p.m. – Government Liason Committee

See [Exhibit 2](#) on page [9](#) for a screenshot of DLANC's November calendar showing the cancellations. A direct link is available at <http://dlanc.org/calendar>.

## **4 Conclusion**

12. Grievances and the nature of stakeholderhood are within the subject matter jurisdiction of DLANC. As shown in [Section 3.1](#) above, these topics are described in DLANC's bylaws and DLANC's jurisdiction over them is granted by the bylaws.
13. Therefore when, as described above in [Section 3.2](#) above, Joshua Albrektson told “everybody” with reference to my qualification as a stakeholder and, therefore, the validity of my grievance, that I live in Hollywood and work in Whittier, he was discussing an item of business within the Board's subject matter jurisdiction. Note that the final sentence of Albrektson's post makes it clear that “everybody” refers to his fellow DLANC Directors, as they were the only ones who received copies of the grievance.
14. It is not possible that the discussion to which Albrektson refers took place in a meeting authorized by the Brown Act because, as shown above in [Section 3.3](#), there were no such meetings held between November 5, when I submitted my grievance, and November 15 at 11:04 p.m., when Albrektson posted his comment.

15. Therefore the facts described in [Section 3](#) above constitute a violation of the Brown Act at §54952.2(b)(1), which states:

A majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.

## 5 Requested action

16. I ask the Los Angeles County District Attorney to investigate whether these actions constitute a violation of the Brown Act on the parts of Joshua Albrektson and the DLANC Board of Directors and, if they do, to see that they're held responsible for their actions and be warned not to violate the law in the future.

## 6 Other considerations

17. When considered in isolation the Brown Act violation described here may seem minor. However, there are good reasons to take it quite seriously.
18. First, it seems to many observers of and participants in DLANC that this kind of violation is not an anomaly. It's likely that the DLANC Board participates in out-of-channel communication on a regular basis.
19. But it's exceedingly difficult to gather evidence of violations of this particular section of the Brown Act. They respond slowly when they respond at all to requests for records under the Public Records Act. For instance, I have a pending request with them that is 15 months old to which they have not even responded. This kind of delay makes it impossible to gather exhaustive evidence within the statutory deadline of nine months for any kind of action at all.
20. Many DLANC stakeholders are frustrated with DLANC's unresponsiveness to their concerns. This was the primary motivation behind a recent attempt by the Skid Row neighborhood to split off from DLANC and form their own neighborhood council. Watching the DLANC Board not only ignore their concerns, but also violate the Brown Act with seeming impunity increases this frustration and decreases confidence that participatory government is working properly in this case.
21. Therefore it would be valuable to investigate this case, as it potentially could increase the confidence of stakeholders in their local government, as it has the best, freshest evidence that it's likely possible to obtain without subpoena power, and as a warning to DLANC would likely have the effect of discouraging future transgressions on the Board's part.

## **7 Exhibits**

**7.1 Exhibit 1 – November 15, 2017 Facebook post by Joshua Albrektson**



**Josh Albrektson** This is his latest article. He sent a grievance to DLANC that was literally about 40 pages about Dan Curnow being on a e-mail chain of people opposing the Skid Row NC. In order to file a grievance, you have to be a stakeholder of the place. He attached a page stating he is a stakeholder because he investigates the BIDS. I told everybody that he lives in Hollywood and works in Whittier and doesn't own property here. I don't think anybody even read his grievance.

Like ·  2 · November 15 at 11:04pm

## **7.2 Exhibit 2 – November 2017 DLANC Calendar**

Sun	Mon	Tue	Wed	Thu	Fri	Sat
29	30	31	1	2	3	4
5	6	7	8 <b>Executive Meeting CANCELLED</b> Wed, 11/08/2017 - 6:30pm	9	10	11
12	13	14 <b>Board of Directors Meeting - CANCELLED</b> Tue, 11/14/2017 - 6:30pm	15 <b>Government Liaison Committee Meeting - CANCELLED</b> Wed, 11/15/2017 - 7:00pm	16 <b>Livability Committee Meeting - Cancelled</b> Thu, 11/16/2017 - 7:30pm	17	18
19	20 <b>Urban Needs and Resources Meeting</b> Mon, 11/20/2017 - 6:00pm  <b>Outreach &amp; Communications Committee Meeting</b> Mon, 11/20/2017 - 7:30pm	21 <b>Planning and Land Use - NOTE VENUE</b> Tue, 11/21/2017 - 6:30pm	22 <b>No Meetings - Holiday</b> Wed, 11/22/2017 - 2:30pm	23 <b>No Meetings - Holiday</b> Thu, 11/23/2017 - 2:30pm	24	25
26	27	28	29	30	1	2